

the label of the article and the false and misleading statements referred to above.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

9189. Misbranding of Ritamine Capsules. U. S. v. 479 Packages of Ritamine Capsules, and a quantity of printed matter. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16043. Sample No. 2856-H.)

LABEL FILED: April 18, 1945, District of Columbia.

PRODUCT: 144 150-capsule packages, 260 70-capsule packages, and 75 20-capsule packages of Ritamine Capsules, offered for sale by the Vita Health Food Co. at Washington, D. C., together with a number of accompanying leaflets and placards entitled "This Box of Ritamine," leaflets entitled "American Dietaids Company, Inc., Yonkers, N. Y.," and placards entitled "Its Dangerous to diet Without Vitamin-Mineral Insurance."

Examination showed that the product consisted of black capsules and brown capsules. The black capsules contained various vitamins, including vitamin A, vitamin B₁, vitamin B₂, vitamin C, and niacinamide. The brown capsules contained various mineral salts, including calcium, phosphorus, iodine, and iron compounds. The information concerning the vitamin and mineral properties, required by the regulations prescribed under Section 403 (j) as necessary in order fully to inform purchasers as to the value of the product for special dietary uses, was printed inconspicuously on the bottle of the carton.

LABEL, IN PART: "American Dietaids' Ritamine * * * Vitamin and Mineral Capsules * * * American Dietaids Company, Inc., Yonkers, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements and design in the leaflet and placard entitled "This Box of Ritamine" were false and misleading since the amounts of vitamins and minerals which would be supplied by 35 each of the two types of capsules would not exceed that which would be supplied by hundreds of pounds of the various articles commonly used for food: (Picture of a box containing two groups of 35 capsules each, labeled "Ritamine") "This Box of Ritamine gives you the benefit of All the known needed Vitamins and All the essential Minerals found in hundreds of pounds of fresh vegetables, fruits, milk and other foods [design of a rural scene, including a woman holding a basket of fruits and vegetables]."

Further misbranding, Section 403 (a), the following statements in the placard entitled "It's Dangerous to Diet Without Vitamin Mineral Insurance" were false and misleading since the amounts of vitamins and minerals which would be supplied by 2 capsules of the article would not exceed those which would be supplied by pounds of food selected from various articles commonly used as food: "2 tiny Ritamine Capsules gives you all of 9 Vitamins and 9 Minerals found in Pounds of selected foods without fattening calories or other food elements."

Further misbranding, Section 403 (a), certain statements and designs appearing in the leaflet were misleading since they represented and suggested that the article would supply 8 vitamins and 9 minerals of nutritional importance; that it is difficult, if not impossible, to obtain sufficient vitamins and minerals from a diet of common foods; and that the use of the article would prevent or correct the following conditions: Loss of ability to resist infections, particularly of the ears, eyes, nose, and sinus; unsatisfactory functioning of glands; inability of expectant mothers to nourish the embryonic baby; dryness and scaliness of the skin and loss of its sensitivity to touch; loss of ability to see clearly in a dim light; failure of the muscles of the stomach and intestines to function normally; failure to satisfactorily burn the starch and sugar in the food one eats and turn them into required body fuel; loss of appetite; inability of food to oxidize properly in the tissues; tendency of the blood capillaries to become fragile and bleed; pain around the joints; loose and decayed teeth; failure of nerve impulses to be properly transmitted to the muscles, causing a jumpy nervous system; faulty heart rhythm; failure of the blood to clot well; kidney stones, poor bones, and decaying teeth; loss of tissue tone and unhealthy condition of the skin; digestive disturbances and a tendency toward colitis; cataract, loss of hair, and unhealthy loss of weight; and imperfectly formed and maintained tooth enamel. - The article would not supply

8 vitamins and 9 minerals of nutritional importance; it is not difficult or impossible to obtain sufficient vitamins and minerals from a diet of common foods; and the use of the article would not prevent or correct the diseases, abnormalities, and symptoms stated and implied in the leaflets.

Further misbranding, Section 403 (f), the information required by Section 403 (j) to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the required information appeared inconspicuously on the bottom of the cartons.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1684.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

9190. Adulteration and misbranding of multiple vitamin capsules. U. S. v. 66 Boxes and 44 Boxes of Multiple Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 16707. Sample No. 13648-H.)

LABEL FILED: July 26, 1945, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about February 8, 1945, by the Rex Vitamin Corporation, from Cleveland, Ohio.

PRODUCT: 66 boxes, each containing 100 capsules, and 44 boxes, each containing 50 capsules, of multiple vitamins at Knoxville, Tenn.

Assay showed that the product was more than 50 percent deficient in vitamins B₁ and C. The information concerning the vitamin properties of the product was printed on the bottom of the box.

LABEL, IN PART: "Soluble Gelatin Capsules Biologically Standardized Optimals Special Formula Multiple Vitamin Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins B₁ and C, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Each one of these special formula capsules contains * * * Vitamin B₁ (Thiamin Hydrochloride) 10 Mg. (3,330 U. S. P. Units) 10 times daily requirement * * * Vitamin C (Ascorbic Acid) 100 Mg. (2,000 U. S. P. Units) 3½ times daily requirement," were false and misleading as applied to a product which contained less than the stated amounts of vitamins B₁ and C and which would not provide the stated proportions of the minimum daily requirements for such vitamins; and, Section 403 (a), the label statement, "An ultra high potency multiple vitamin capsule containing unusually large amounts of the essential vitamins and the B complex," was misleading as applied to a product which did not supply vitamins A, D and E and niacinamide in amounts greater than those frequently found in vitamin capsules.

Further misbranding, Section 403 (a), the label statements, "Official minimum daily adult requirement (Federal Food and Drug Administration) Vitamin B₁ (Pyridoxine Hydrochloride) Not as yet established, Calcium Pantothenate Not as yet established, Vitamin E (Wheat Germ Oil) Not as yet established," were misleading since they suggested that the need for the stated substance is generally recognized, although the amounts required daily have not been established, whereas the need for such substances in human nutrition has not been established; and, Section 403 (f), information concerning the vitamin properties of the article, prescribed by regulations, was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: September 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9191. Adulteration and misbranding of vitamin capsules. U. S. v. 9 Vials of Halibut Liver Oil Capsules and 19 Packages of Vitamin A, B, D, and C Capsules. Default decree of condemnation. Products ordered delivered to a public institution. (F. D. C. No. 15318. Sample Nos. 2707-H, 2709-H.)

LABEL FILED: February 26, 1945, District of Columbia.